

1 ISBESTER & ASSOCIATES
A. James Isbester, SBN 129820
2 3160 College Avenue, Suite 203
Berkeley, California 94705
3 Telephone: (510) 655-3014
Facsimile: (510) 655-3614
4

5 Attorneys for Plaintiff American
Motorists Insurance Company

6 BARONE & JENKINS, P.C.
7 Anthony G. Barone (Illinois #6196315)
David M. Jenkins (Illinois #6211230)
8 721 Enterprise Drive, Suite 200
Oak Brook, Illinois 60523
9 Telephone: (630)472-0037
10 Fax: (630)472-0864

11 Of Counsel

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO DIVISION**

15 AMERICAN MOTORISTS INSURANCE
COMPANY, an Illinois corporation

16 Plaintiff,

17 v.

18 FIREMAN'S FUND INSURANCE COMPANY,
19 a California corporation

20 Defendants,

CASE NO. C-05-1030-CRB

STIPULATION AND ORDER

21 **STIPULATION AND ORDER**

22 WHEREAS, the above captioned matter had previously been set for a Settlement Conference
23 before the Honorable Magistrate Judge Laporte;

24 WHEREAS, by order dated October 11, 2005, the court continued the Settlement Conference
25 and ordered that the parties submit a letter brief to Magistrate Judge Laporte regarding the status of
26 this case either immediately following the conclusion of the trial in the underlying case that was
27 scheduled for November 29, 2005, or no later than January 3, 2006;

WHEREAS, the parties submitted a joint letter brief regarding the status of the case on January 3, 2006, advising that the trial did not occur as scheduled and that a hearing on a significant motion in that case is scheduled for February 27, 2006;

WHEREAS, the parties have submitted a joint letter brief regarding the status of the case on March 7, 2006, advising that there was a ruling on the motion to permit lost royalties as a measure of compensatory damages on February 27, 2006, and the court has not yet scheduled a trial date for the underlying case.

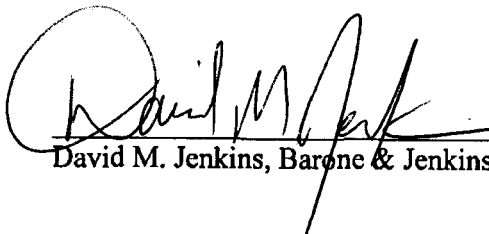
Accordingly, the parties hereto, by and through their respective counsel, stipulate as follows:

1. The Settlement Conference scheduled before Magistrate Judge Laporte is continued subject to further order of the court.

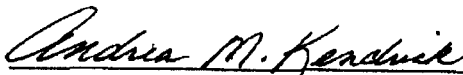
2. The parties are to submit a letter brief to Magistrate Judge Laporte regarding the status of this case on or before April 28, 2006 to advise whether a trial date is set and whether a further Settlement Conference should be conducted.

So Stipulated:

Date: 3/7/06

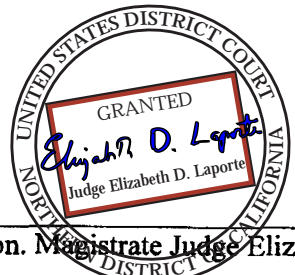

David M. Jenkins, Barone & Jenkins, P.C.

Dated: 3/7/06


Andrea Kendrick, Kaufman & Logan, LLP

IT IS SO ORDERED.

Dated: March 7, 2006


Hon. Magistrate Judge Elizabeth Laporte

1 I, Tina L. Falbo, declare:

2 I am over the age of eighteen (18) years, am not a party to this action, and am employed in the
3 County of DuPage at 721 Enterprise Drive, Suite 200, Oak Brook, Illinois 60523.

4 On March 7, 2006, following ordinary business practices, I caused service of the following
5 document(s):

6
7 MARCH 7, 2006 LETTER BRIEF TO MAGISTRATE JUDGE LAPORTE AND
8 STIPULATION AND ORDER

9 to be completed:

10 X Via facsimile with hard copy to follow by Regular U.S. Mail. I am readily familiar with
11 Barone & Jenkins, P.C.'s practice for collection and processing of correspondence for mailing with
12 the United States Postal Service and, in the ordinary course of business, the correspondence was
13 deposited with the United States Postal Service on the day on which it is collected at Barone &
14 Jenkins, P.C. and that the envelope was sealed and deposited in the mail with the postage thereon
15 fully prepaid addressed to the following parties:

16
17 Honorable Magistrate Judge Elizabeth D. Laporte
18 United States District Court for the
19 Northern District of California
20 Federal Building
21 450 Golden Gate Avenue
22 San Francisco, California 94104
23 Fax: 415-522-2140

Andrea Kendrick
Kaufman & Logan LLP
100 Spear Street, 12th Floor
San Francisco, California 94105
Tel.: 415-247-8300
Fax: 415-247-8310

24 X I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct to the best of my knowledge and belief.

26
27 Dated: March 7, 2006

28 
Tina L. Falbo